

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**MARTHA WILLIS, Individually, and
as Mother and Next Friend of
JALESSA WILLIS, a Minor,**

VS.

PLAINTIFF,

CIVIL ACTION NO. 2:07CV062-P-A

**KIA MOTORS CORPORATION and
KIA MOTORS AMERICA, INC.,**

DEFENDANTS.

ORDER

These matters come before the court upon the plaintiff's motion pursuant to Rule 104(a) to strike or limit testimony of Donald F. Tandy, Jr. and Alan L. Dorris, Ph.D. [206] and her motion *in limine* to strike or limit the testimony of Donald F. Tandy, Jr. and Alan L. Dorris, Ph.D. [241]. After due consideration of the motions and the responses filed thereto, the court finds as follows, to-wit:

The plaintiff argues that the testimony regarding the handling and stability of the subject 2001 Sportage of defense expert Donald F. Tandy, Jr. should be excluded as irrelevant. Likewise, the plaintiff argues that Alan L. Dorris's opinions regarding the adequacy of Kia's warnings should be stricken as irrelevant. The plaintiff does not dispute the qualifications of these experts, nor does she challenge the underlying facts of their opinions or the methodology employed to render those opinions.

The court concludes that the instant motions should be denied. The opinions of Mr. Tandy and Dr. Dorris are relevant to Kia's defenses, including that of comparative negligence as well as defending against the plaintiff's negligent warning and punitive damages claims, neither of which have been withdrawn.

IT IS THEREFORE ORDERED AND ADJUDGED that the plaintiff's motions [206, 241] are **DENIED**.

SO ORDERED this the 8th day of July, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE